

1  
2  
3  
4  
5  
6  
7  
8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 JEFFREY A. PATE,

11 Plaintiff,

No. CIV S-04-1201 FCD DAD P

12 vs.

13 SACRAMENTO COUNTY  
14 SHERIFF'S DEPUTIES,

15 Defendants.

ORDER

16 \_\_\_\_\_/  
17 Plaintiff is proceeding pro se with a civil rights action pursuant to 42 U.S.C. §  
18 1983. Plaintiff has paid the filing fee. On November 15, 2005, the court ordered plaintiff to  
19 submit proof that service was completed on defendant Garcia.<sup>1</sup> On December 9, 2005, plaintiff  
20 filed a letter to the court indicating that because of his physical and psychiatric disabilities, he has  
21 had difficulty responding to the court's orders. On December 12, 2005, plaintiff filed a second  
22 letter and stated that his response was sent to the court on December 7, 2005. Neither letter,  
23 however, provides any information regarding whether plaintiff has successfully completed  
24 service on defendant Garcia. The court will order plaintiff to submit proof of service with  
25 \_\_\_\_\_

26 <sup>1</sup> Plaintiff was advised that because he did not file an application requesting leave to  
proceed in forma pauperis, service was not effected by the U.S. Marshal pursuant to Rule 4(c)(2).

1 respect to defendant Garcia. Alternatively, if service has not been accomplished, plaintiff may  
2 file an application requesting leave to proceed in forma pauperis. If the application is granted,  
3 the court will order service by the U.S. Marshal.

4 Accordingly, IT IS HEREBY ORDERED that:

5 1. Within fifteen days from the service of this order, plaintiff shall file his proof  
6 of service for defendant Garcia or an application requesting leave to proceed in forma pauperis;

7 2. The Clerk of the Court is directed to provide plaintiff with an application  
8 requesting leave to proceed in forma pauperis by a prisoner; and

9 3. Plaintiff's failure to comply with this order will result in a recommendation  
10 that this action be dismissed.

11 DATED: January 5, 2006.

12   
13 \_\_\_\_\_  
14 DALE A. DROZD  
15 UNITED STATES MAGISTRATE JUDGE

14 DAD:4  
15 pate1201.pos  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26